IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 23915 of 2001

Between:

The Palamuru Cheruvula Parirakshama Samithi

Regd .No.5044/2001 represented by its Joint Secretary

Venkat Rao Namji S/o Hanumanth Rao
Mahaboob Nagar

..... PETITIONER

AND

1 The Government of A.P.

rep by its Principal Secretary (Revenue Dept)
Secretariat Building Hyderabad
2 The District Collector
Mahaboob Nagar Dist, MahaboobNagar
3 The District Sports Authority
Mahaboob Nagar

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction declaring the action of the respondent- authorities in preventing petitioner organization from completing the desilting work taken up by it to fence/protect and restore the Pedda Cheruvu Tank in Sy.No.67 of Mahaboobnagar to its original depth

and width by seeking to allot /assign for sports stadium and divert other non-water tank purposes as illegal, unconstitutional and consequently direct the respondents to restore the Pedda Cheruvu tank in Mahaboobnagar to its original width and depth and continue to protect the tank from further encroachments.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This writ petition is filed in public interest by Palameru Cheruvula Parirakshana Samithi through its Joint Secretary to declare the action of the respondent authorities in preventing the petitioner organization from completing the desilting work taken out by it to fence/protect and restore the Pedda Cheruvu Tank in Sy.No.67 of Mahaboobnagar to its original depth and width and further to declare the action of the respondents in assigning this land for sports stadium and diverting it to other non water tank purposes as illegal.

This writ petition is filed on 19.11.2001 stating the importance of Peddacheruvu for the people of Mahabubnagar. It is stated that Mahabubnagar is a draught effected area and the drinking water supply to the town is mainly from this Peddacheruvu. Apart from this, the protected water scheme and bore wells would cater to the needs of the Mahabubnagar people. The municipal authorities sunk many bore wells in Peddacheruvu in the year 1995 and pumped water into the protected water scheme. About Ac.200.00 of land was being irrigated from the water of this cheruvu located in Sy.No.67. An agitation was also held during 1995-96 for drinking water supply and in the year 2000 desilting of Peddacheruvu was taken up yielding good results. It is stated that about Ac.2.00 of land in Sy.No.67 is occupied by the sports authority and respondents 1 and 2 are assigning the land in the said survey number to the Sports Authority of India for construction of a sports stadium. Thus, a writ is sought against the respondents for protecting Peddacheruvu Tank in Sy.No.67 and to bring it to its original depth and width and not to allot or assign the said land for the purpose of any sports stadium or to divert it to any other non-water tank purposes.

Learned counsel for the respondents has brought to our notice a communication from the Collector, Mahabubnagar District stating that the tank bund land in Sy.No.67 of Peddacheruvu, Mahabubnagar is neither allotted or assigned to Sports Authority of India and that a sports stadium was already constructed in Sy.No.50 and 60 of Mahabubnagar town and the said land is nothing to do with the land in Sy.No.67 of Peddacheruvu. It is also stated that no part of the land in Sy.No.67 is encroached upon. There is no denial to the fact that the land in Sy.No.67 deserves to be protected for the benefit of the public as the same is the main source of water in Mahabubnagar.

In view of this, we dispose of the writ petition on the assurance of the respondents that no part of the land in Sy.No.67 of Mahabubnagar will be used or utilized for any purpose other than water tank purposes and will be retained as Peddacheruvu tank. We also make an observation that in case any permission is required by organizations like petitioner for desilting the said area, such requests will be considered in accordance with law.

The writ petition is disposed of accordingly. No costs.

(DEVINDER GUPTA, CJ)

dated 14..02..2005

(B.SESHASAYANA REDDY,J)

msv.

To

1 The Principal Secretary (Revenue Dept)
Secretariat Building Hyderabad
2 The District Collector
Mahaboob Nagar Dist, MahaboobNagar
3 The District Sports Authority
Mahaboob Nagar

4 2 CCs to the Government Pleader for Revenue, High court of A.P.

Hyderabad (OUT)

5 2 CD copies.